United Nations S/AC.49/2016/45

Security Council

Distr.: General
19 July 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 1 July 2016 from the Permanent Mission of Lithuania to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Lithuania to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea and has the honour to transmit herewith the report of the Republic of Lithuania on measures taken to effectively implement the relevant provisions of resolution 2270 (2016) (see annex).

16-12860 (E) 030816

Please recycle

Annex to the note verbale dated 1 July 2016 from the Permanent Mission of Lithuania to the United Nations addressed to the Chair of the Committee

National report of the Republic of Lithuania to the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

The Republic of Lithuania and the other member States of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea (DPRK) imposed by the Security Council in its resolution 2270 (2016) by taking the following common measures:

(a) Council Decision (CFSP) 2016/319 of 4 March 2016, implementing the designation of additional persons and entities (travel ban and asset freeze);

(b) Commission Implementing Regulation (EU) 2016/315 of 4 March 2016 amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea;

(c) Council Decision (CFSP) 2016/476 of 31 March 2016, which sets out the commitment of the European Union towards the implementation of all measures contained in Security Council resolution 2270 (2016) and provides the basis for accompanying measures specific to the European Union within the scope of the resolution, notably:

(i) Extension of export and import prohibitions to any item (except food or medicine) that could contribute to the development of the operational capabilities of the DPRK armed forces;

(ii) Requirement to expel DPRK diplomats engaged in illicit activities: targets DPRK diplomats working on behalf or at the direction of a designated individual or entity, or of an individual or entity assisting in the evasion of sanctions or violating the provisions of Security Council resolutions, including exemptions;

(iii) Requirement to expel foreign nationals involved in illicit activities: targets foreign nationals working on behalf or at the direction of a designated individual or entity, or of an individual or entities assisting in the evasion of sanctions or violating the provisions of Security Council resolutions;

(iv) Requirement to close offices of designated entities and expel representatives: member States shall close the representative offices of designated entities and prohibit such entities, as well as individuals or entities acting for them or on their behalf from participating in joint venture or any other business arrangements;

(v) Ban on specialized training, including teaching or training in specific fields;

(vi) Requirement to inspect DPRK cargo within or transiting through free trade zones or cargo that is being transported on DPRK-flagged aircraft or maritime vessels. In addition, the obligation to inspect is irrespective of any reasonable grounds to suspect that the cargo contains prohibited items;

(vii) Requirement to ban DPRK chartering of vessels or aircraft and deregister vessels, including a prohibition to provide crew services;

(viii) Requirement to prohibit nationals from operating DPRK vessels/DPRK flag;

(ix) Ban on flights of any airplane suspected of carrying contraband, with the exception of landing for inspection;

(x) Prohibition of entry into ports of any vessel controlled by a designated entity or suspected of engaging in illicit activity;

(xi) Export ban on any item that could contribute to DPRK nuclear or ballistic programmes or other weapons of mass destruction programmes;

(xii) Ban on export from the DPRK of specified minerals like coal, iron, iron ore, gold, titanium ore, vanadium ore and rare earth minerals;

(xiii) Ban on aviation fuel exports to the DPRK like aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel;

(xiv) Asset freeze on Government entities or those of the Worker's Party of Korea associated with illegal programmes or on individuals or entities acting on their behalf;

(xv) Prohibition on the opening and operation of new branches, subsidiaries and representative offices of DPRK banks;

(xvi) Obligation to close existing branches, subsidiaries or representative offices of DPRK banks within 90 days;

(xvii) Obligation to close existing representative offices, subsidiaries or banking accounts in the DPRK within 90 days;

(xviii) Extension of the prohibition on providing financial support for trade with the DPRK and covering private financial support for trade if such financial support could contribute to illicit activities of the DPRK.

(d) Council Regulation (EU) 2016/682 of 29 April 2016 amending Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures provided by Council Decision (CFSP) 2016/476 of 31 March 2016.

Lithuania has the following national legislation requiring authorization for the sale, supply, transfer or export to third countries of arms and related materiel* and authorization for the provision of brokering services and other services related to military activities which, together with Council Decision (CFSP) 2016/849, provides the basis for enforcing the arms embargo against the DPRK and the ban on related brokering services.

(a) The Law on the Control of Strategic Goods, which states that a licence to export strategic goods shall not be issued if the issuance of the export licence is, inter alia, in contravention of international sanctions implemented in the Republic of Lithuania and the criteria listed in the Arms Trade Treaty and European Union Council Common Position 2008/944/CFSP of 8 December 2008 defining common

* This legislation applies to all goods included in the Common Military List of the European Union.

rules governing control of exports of military technology and equipment. These criteria, inter alia, provide for the respect of international obligations and commitments, in particular the sanctions adopted by the Security Council and the European Union;

(b) The Government resolution on the transportation of arms and ammunition, which includes European Union Common Position 2008/944/CFSP and Arms Trade Treaty criteria, among other export licence application assessment criteria.

Lithuania has additional national legislation prohibiting the sale, supply, transfer or export to the DPRK of arms and related materiel[b] and the provision of brokering and other services related to military activities, namely, Government resolution No. 237 of 1 March 2005 (last amended in 2016), on the approval of lists of States prohibited from engaging in the purchase, import, export or transit of goods listed in the Common Military List and other arms and ammunition, and in brokering negotiations and transactions related to goods listed in the Common Military List and other arms and ammunition.

The above-mentioned European Union Council regulations are binding in their entirety and directly applicable in all member States of the European Union.[c] Council Regulation (EC) No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. Meanwhile, the Law of the Republic of Lithuania on the Implementation of Economic and other International Sanctions (art. 14) states that natural and legal persons shall be held liable for infringements of this Law in accordance with the procedure established by the laws of the Republic of Lithuania. The penalties determined by Lithuania are set out in article 123(1) of the Criminal Code of the Republic of Lithuania and in article 187(12) of the Code of Administrative Offences of the Republic of Lithuania.

With regard to restrictions on admissions (visa ban), Lithuania has included persons subject to this restrictive measure in the national travel ban list, following the procedure set out in the Government resolution on the implementation of political sanctions that prohibit the entry or transit of individuals through the territory of the Republic of Lithuania (2008) which, together with Council Decision (CFSP) 2016/849 and Regulation (EC) No. 539/2001,[c] provides the basis for refusal of admission and denial of requests for a visa.

---

[b] This legislation applies to all goods included in the Common Military List of the European Union and other arms and ammunition not covered by the Common Military List.

[c] Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom.